

C O U N C I L C O M M U N I C A T I O N

TO: THE CITY COUNCIL
FROM: THE CITY MANAGERS OFFICE

COUNCIL MEETING DATE
NOVEMBER 15, 1989

SUBJECT: NEED TO TAKE ACTION ON ITEM NOT ON POSTED AGENDA (GOVERNMENT CODE
§54954.2(b)(2) IN RE AMENDMENT TO RESOLUTION NO. 89-53 REGARDING THE OFFICE OF
CRIMINAL JUSTICE PLANNING (OCJP) GRANT FOR DRUG SUPPRESSION PROGRAM IN SCHOOLS

PREPARED BY: Captain John Martin

RECOMMENDED ACTIONS:

1. Preliminary Council four-fifths vote that there is a need to take action on amendment to Resolution 89-53, which came up after this Agenda was posted.
2. Council consideration of adoption of Resolution No. 89-171 amending Resolution No. 89-53 (OCJP Grant), by adding thereto a "Statement of Liability".

FINDINGS : Since the matter of the amendment of Resolution No. 89-53 does not appear on this agenda, in order for the Council to act upon it at tonight's meeting, it is necessary to have a preliminary vote, finding that the need to take action arose after the agenda was posted. Pursuant to Government Code §54954.2(b)(2), this requires the affirmative vote of four of the five Council members, or a unanimous vote if less than five Council members are present. Since the City first became aware on November 13, 1989 that Resolution No. 89-53 must be amended by November 17, 1989 regarding the City's grant application, and the agenda for this meeting was posted on November 10, 1989, the Council has a basis to so find if it desires, that there is a need to take action. Assuming that a four-fifths vote of the Council is obtained first, the matter of amending Resolution No. 89-53 can then be appropriately considered.

BACKGROUND INFORMATION: On May 3, 1989, the Lodi City Council adopted Resolution No. 89-53 which authorized the application to the OCJP for grant funds for the third year of the Drug Suppression Program. The grant was submitted to OCJP and was to begin October 1, 1989. On November 9, 1989, the Lodi Police Department was notified by telephone that a Statement of Liability was not included in the Council Resolution and that it was required before funding could begin. On November 13, 1989, OCJP notified the Lodi Police Department of the contents of the Statement of Liability, and that it was needed by November 17, 1989 to complete the grant application.

The Statement of Liability must be added to the resolution to complete the grant application.

Respectfully submitted,

John Martin
JOHN MARTIN
CAPTAIN, LODI POLICE DEPARTMENT

CCOCJP/TXTA.01V

RESOLUTION NO. 89-170

A RESOLUTION OF THE LODI CITY COUNCIL

AMENDING RESOLUTION NO. 89-53, WHICH AUTHORIZED APPLICATION TO THE OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP) FOR GRANT FUNDS FOR THE SUPPRESSION OF DRUG ABUSE IN SCHOOLS PROGRAM (DSP), BY ADDING HERETO A STATEMENT OF LIABILITY AS REQUIRED BY OCJP.

WHEREAS, the City of Lodi desires to undertake a project designated as Suppression Of Drug Abuse In Schools, to be funded from funds made available through Chapter 952, Statutes of 1983 for the Suppression Of Drug Abuse In Schools Program (DSP), administered by the Office of Criminal Justice Planning (OCJP); and

WHEREAS, to continue participation in such program, it is now necessary that the City apply for a third year of funding from OCJP;

NOW, THEREFORE, BE IT RESOLVED that the City Manager is authorized, on Lodi's behalf, to submit an application for funds for the suppression of drug abuse, to OCJP for a third year of funding, and the City Manager is authorized to execute on behalf of the Lodi Police Department, the grant award for suppression of drug abuse purposes, including any extensions or amendments thereof. Copies of the application of the grant award are on file in the office of the City Clerk.

BE IT FURTHER RESOLVED, that the applicant agrees to provide all matching funds required for the project (including any amendments) under the Suppression Of Drug Abuse In Schools Program and the rules and regulations of OCJP, and that funds will be appropriated as required thereby.

IT IS AGREED that any liability arising out of the performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and OCJP disclaim responsibility for any such liability.

BE IT FURTHER RESOLVED, that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

Dated: November 15, 1989

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I hereby certify that amended Resolution No. 89-171 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 15, 1989 by the following vote:

Ayes: Council Members - Hinchman, Olson, Pinkerton, Reid and Snider (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Alice M. Reimche
Alice M. Reimche
City Clerk